

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARY A. FROEHLICH,)	
)	
Plaintiff,)	C.A. No. 05-564 (SLR)
)	
v.)	
)	
VERIZON, INC., a Delaware)	
corporation, and MUTUAL OF OMAHA)	
INSURANCE COMPANY, a foreign)	
insurance company,)	
)	
Defendants.)	

STIPULATION AND ORDER

WHEREAS on July 1, 2005, the plaintiff filed suit in the Court of Chancery of the State of Delaware against the defendants alleging a variety of state law causes of action relating to the Long Term Care ("LTC") Plan of Verizon, Inc.; and

WHEREAS on August 8, 2005, defendant Verizon, with the consent of defendant Mutual of Omaha, removed the suit to this Court alleging that the state law claims set forth in the suit are pre-empted by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1001, *et seq.* (D.I. 1); and

WHEREAS on August 15, 2005, defendant Verizon filed an Answer to the Complaint (D.I. 3); and

WHEREAS on August 16, 2005, defendant Mutual of Omaha Insurance Company moved to dismiss the Complaint on the grounds that the causes of action set forth therein are pre-empted by ERISA (D.I. 4); and

WHEREAS on November 16, 2005, the Court issued an order to

show cause why the case should not be dismissed for want of prosecution by the plaintiff, returnable on or before December 16, 2005 (D.I. 11);

NOW THEREFORE, subject to the approval of the Court, the parties stipulate and agree as follows:

1. Within 15 days hereof, the plaintiff shall file and serve upon defendants' counsel an amended complaint stating a claim under ERISA.
2. Upon such filing, the pending motion to dismiss filed by defendant Mutual of Omaha (D.I. 4) shall be moot.
3. The parties reserve all rights in relation to the amended complaint.

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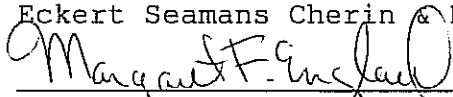
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SO ORDERED this _____ day of _____, 200____.

Chief Judge Sue L. Robinson
United States District Court